



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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*SEP 15 2003*

*TECH CENTER 1500/2900*

In re application of:

MANTHORPE *et al.*

Appl. No. 09/839,574

Filed: April 23, 2001

For: **Compositions and Methods for *in vivo* Delivery of Polynucleotide-Based Therapeutics**

Confirmation No.: 1437

Art Unit: 1635

Examiner: Schnizer, R.A.

Atty. Docket: 1530.0180002/EKS/AES

**Request To Add Inventors In A Nonprovisional Patent Application  
Under 37 C.F.R. § 1.48(c)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request that the United States Patent and Trademark Office correct inventorship in the above-captioned nonprovisional patent application. The above-captioned application disclosed unclaimed subject matter that is now being claimed. Specifically, Applicants request that the United States Patent and Trademark Office add Jennifer MEEK to the inventive entity. Accordingly, upon entry of this request, the inventive entity would be changed from Marston MANTHORPE, Jukka HARTIKKA and Loretta SUKHU to Marston MANTHORPE, Jukka HARTIKKA, Loretta SUKHU and Jennifer MEEK.

This request is accompanied by:

- (1) A statement from each person to be added as an inventor stating that the amendment to the inventorship is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part;

MANTHORPE *et al.*  
Appl. No. 09/839,574

- (2) An oath or declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 or 1.47;
- (3) The written consent of the assignee of the originally named inventors;
- (4) A copy of the Certificate under 37 C.F.R. § 3.73(b) executed by the assignee named in part (3) as filed on August 17, 2001; and
- (5) The processing fee as set forth under 37 C.F.R. § 1.17(i).

Applicants hereby authorize the U.S. Patent and Trademark Office to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this request is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Ann E. Summerfield  
Attorney for Applicants  
Registration No. 47,982

Date: Syndicator 11, 2002

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## Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: Marston Manthorpe, Jukka Hartikka and Loretta Sukhu

Application No./Patent No.: 09/839,574 File Date: April 23, 2001

Entitled: Compositions and Methods for *in vivo* Delivery of Polynucleotide-Based Therapeutics

Vical Incorporated, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest, or
2.  an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A.  An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: July 12, 2001

Name: Alan E. Dow

Title: Vice-President and General Counsel

Signature: Alan E. Dow



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**Statement Under 37 C.F.R. § 1.48(a)(2) of A Person  
To Be Added Or Deleted As An Inventor**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I am an inventor/co-inventor of the invention of one or more claims in the above-captioned nonprovisional application for which an oath or declaration under 37 C.F.R. § 1.63 has been filed erroneously not naming me as an inventor. The inventorship error occurred without deceptive intent on my part. I have read and understand 37 C.F.R. § 10.18(b).

Signed: Jennifer Meek Date: 05 Sept 03

Jennifer Meek



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**Consent of the Assignee Under 37 C.F.R. § 1.48(a)(5)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Vical Incorporated, assignee of the entire right, title and interest of the originally named inventors of the above-captioned application, consents to the change in inventorship from Marston Manthorpe, Jukka Hartikka, and Loretta Sukhu to Marston Manthorpe, Jukka Hartikka, Loretta Sukhu, and Jennifer Meek. I have read and understand 37 C.F.R. § 10.18(b).

For: Vical Incorporated

Signature: Alan E. Dow

Type or Print: Alan E. Dow, PhD  
Vice President & General Counsel

Title: \_\_\_\_\_

Date: 5 Sept. 2003